

#491

BILL NO. G-91- 12-25

GENERAL ORDINANCE NO. G- Withdrawn

AN ORDINANCE vacating a dedicated utility easement located in the City of Fort Wayne, IN.

WHEREAS, a petition to vacate a utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

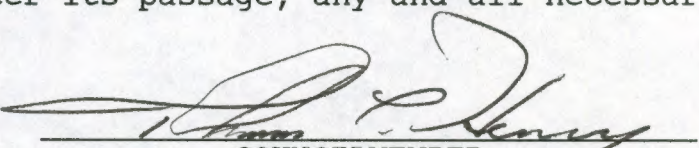
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated easement within the City of Fort Wayne, more specifically described as follows, to-wit:

Interstate Industrial Park Section "H" as recorded in Plat Book 30, Page 1 within the Recorders Office of Allen County

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

#491

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1991,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOUR STAR BRAND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Henry
seconded by Gidd, and duly adopted, read the second time by
title and referred to the Committee on Regulations (and the
City Plan Commission for recommendation) and Public Hearing to be held at
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, da
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-10-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on its passage
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 10872

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 11-14 1991

RECEIVED FROM Mahmoud Elie \$ 100.00
 THE SUM OF one hundred & 00/100 DOLLARS
 ON ACCOUNT OF Utility Expense

417581
 PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE Farib

Date Filed: _____

Vacation Petition

I/We MAGNAVOX ELECTRONIC SYSTEMS COMPANY
(Applicant's Name or Names)

PETITION TO VACATE 14 Ft. Easement "Utility"
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following 14 Ft. Utility easement with the City of Fort
Wayne, Indiana, and hereby described as follows:

The north fourteen (14) feet of Block # 33 Interstate Industrial
Park Section "H" as recorded in Plat Book 30, Page 1 within the
Recorders office of Allen County, Indiana.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

As owners of adjacent land on all sides we want to expand our
building.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
14 Ft. Utility Easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 13 DAY OF November 1991

Magnavox Electronic Systems Company

Adjacent Property Owner
Typed Name
Fort Wayne, Indiana
1313 Production Road 46818
Address Zip

Thomas W. Biggs
Signature
Assistant Secretary

Adjacent Property Owner
Typed Name
Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Adjacent Owners TYPED Name	Property Name	Address/Zip
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Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

MIGUEL A. TRIVINO P.E.
Name

MAGNANOL

1313 PRODUCTION RD.
Street Address

FT. WAYNE / INDIANA / 46808
City/State/Zip

219-429-4371
Phone

BILL NO. G-91-12-25

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) vacating a dedicated
utility easement located in the City of Fort Wayne, IN

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Wickham

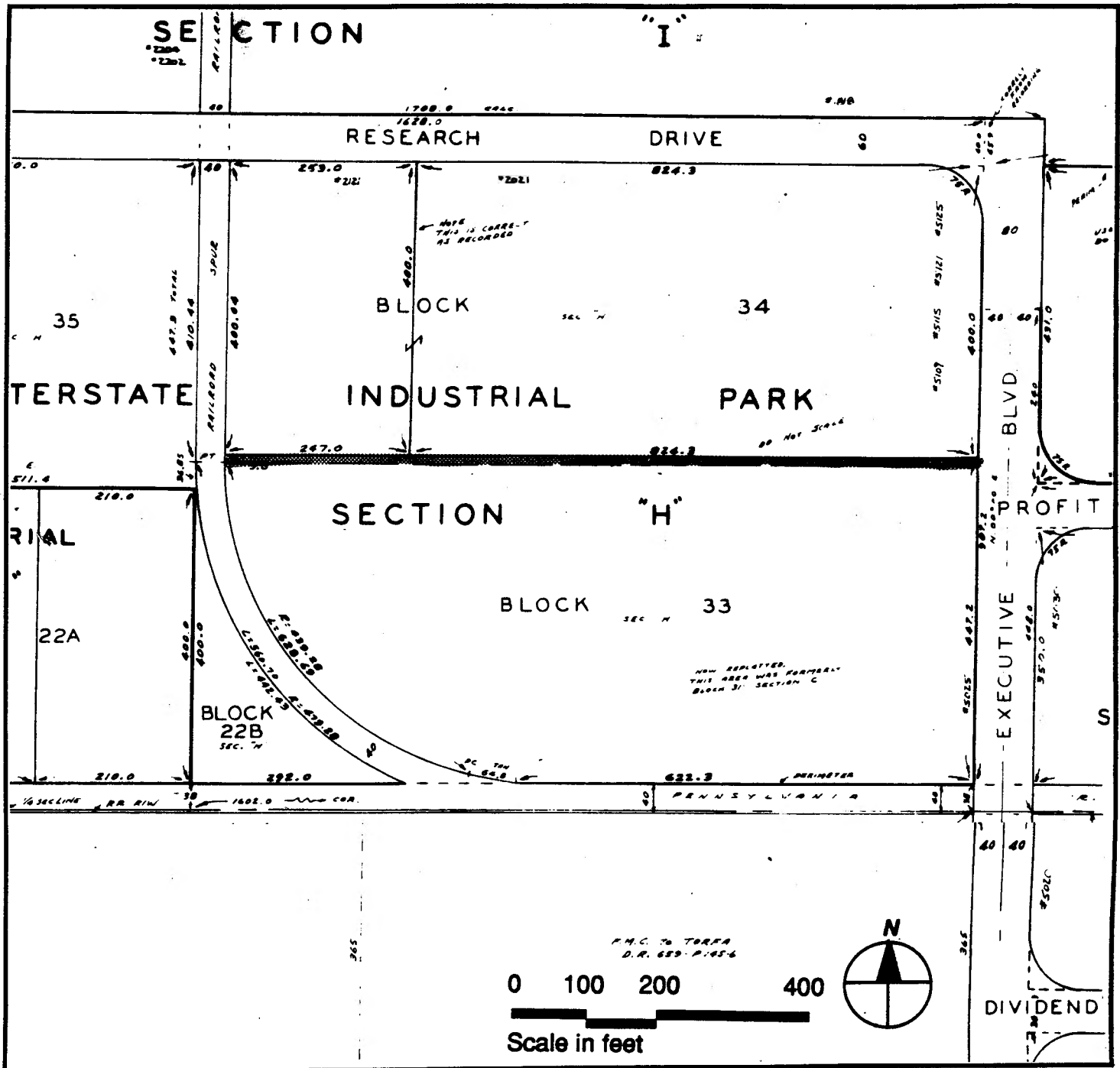
DATED:

Sandra E. Kennedy
City Clerk

VACATION PETITION

AREA MAP

CASE NO. #491



COUNCILMANIC DISTRICT NO. 3

Map No. J-34
LW 10-18-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Utility Easement in Interstate Industrial Park (West of Executive Blvd., and South of Research Drive)

Reason for Project

Potential growth and expansion, and to clear up an encroachment.

Discussion (Including relationship to other Council actions)

16 December 1991 - Public Hearing

Mike Trevino, Civil Engineer with Magnavox Electronic Systems Company stated that they were requesting that the petition be WITHDRAWN due to an error in the petition. He stated that they would be resubmitting the petition at a later date.

Motion was made and seconded to WITHDRAW the petition as requested. Of the five (5) members present, five (5) voted in favor of the motion.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
Magnavox Electronic Systems C

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions
WITHDRAWN BY PETITIONER)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 14 November 1991

Projected Completion or Occupancy

Date 17 December 1991

Fact Sheet Prepared by

Patricia Biancaniello

Date 17 December 1991

Reviewed by

St. J. Gaudin

Date 17 DECEMBER 1991

Reference or Case Number

#491
ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE

Utility Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - C&ED

SYNOPSIS OF ORDINANCE

The North 14 feet of Block #33 in Interstate Industria/

Park Section "H" as recorded in Plat Book 30, Page 1 with the

Recorder's Office of Allen County, Indiana.

J-91-12-25

EFFECT OF PASSAGE

Property is currently a dedicated utility easement. Property

will be vacated and revert to the ownership of the adjacent property

owners.

EFFECT OF NON-PASSAGE

Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))